

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-4 and 6-8 are currently being amended. Claim 9 is being added.

This amendment adds and changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

### **Priority Application**

As indicated on Form PCT/IB/304, the International Bureau received a certified copy of the priority application on November 5, 2001. The certified copy of the priority application should have been forwarded to the PCT branch of the PTO. Applicant respectfully submits that the Examiner may obtain a certified copy of the priority application from the PCT branch of the PTO.

### **Drawings**

The Examiner has not indicated on the Office Action Summary that the formal drawings filed on February 20, 2002 are accepted. Therefore, Applicant respectfully requests acknowledgment of the drawings in the next communication from the Examiner.

### **Claim Rejections under 35 U.S.C. § 103**

Claims 1-3 and 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Azuma et al. (U.S. Patent No. 5,631,532) in view of Kawatsu (U.S. Patent No. 5,712,052) and Hara et al. (U.S. Patent No. 5,648,182). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Azuma et al., Kawatsu, Hara et al. and in further view of the 4<sup>th</sup> embodiment of Kawatsu.

In response, without agreeing or acquiescing to the rejection, Applicant amends claims 1-4 and 6-8 and adds claim 9 to further define the invention. The rejection is

respectfully traversed below and Applicant submits that the above amended claims are now allowable for at least the following reasons.

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest all the limitations of the claims as amended. Specifically, the combination of Azuma et al., Kawatsu and Hara et al. do describe or teach each and every element of the claimed invention as recited in amended independent claim 1. Amended claim 1 relates to a fuel cell vehicle comprising a fuel cell, a fuel supply device, a storage battery, a motor, a sensor which detects a toxic substance, a sensor which detects battery charge and a processor. As shown in Fig. 1 and described on pages 5-7 of the application, the air feeder draws in untreated air from outside the vehicle and supplies the untreated air to the fuel cell. In addition, as shown in Fig. 2, a sensor may be positioned at the inlet port of the air feeder for detecting the toxic concentration in the untreated air drawn in by the air feeder.

Applicant respectfully submits that the combination of Azuma et al., Kawatsu and Hara et al. do not teach a fuel cell vehicle as claimed in the present invention. Specifically, the combination of Azuma et al., Kawatsu and Hara et al. do not disclose “an air feeder which draws in untreated air from outside the vehicle and supplies the untreated air to the fuel cell” as recited in amended claim 1. Azuma et al. only discloses a conventional hybrid vehicle that charges a battery using power generated by a fuel cell. Azuma et al. does not teach or disclose an air feeder that draws in untreated air from outside the vehicle and supplies the untreated air to the fuel cell.

Kawatsu discloses a fuel cell generator system where a carbon monoxide sensor is provided in the middle of a gaseous fuel supply conduit. (Col. 6, lines 63-64). The sensor of Kawatsu detects the amount of carbon monoxide in hydrogen rich gas generated by a reformer 216 and fed to the fuel cells. (See Col. 6, lines 53-64; Col. 9, lines 53-56). In the Office Action dated October 10, 2004, the Patent Office acknowledged that the sensor of Kawatsu operated as follows: “the sensor(1) detects the toxic substance (carbon monoxide) contained in the air generated by reformer (216).” (Emphasis added.)

In contrast, the fuel cell vehicle claimed in amended claim 1 comprises a sensor which detects a toxic substance contained in the untreated air supplied by the air feeder to the reformer and the fuel cell. (*See* Fig. 2.) Thus, the claimed invention has the advantage of being able to detect a toxic substance in the untreated air, before the untreated air is supplied to the reformer by the air feeder. This feature is described, for example, on pages 5-7 of the specification. Neither reference nor the combination of Azuma et al. and Kawatsu disclose all the limitations of amended claim 1. Further, Hara et al. fails to cure the deficiencies of Azuma et al. and Kawatsu. Claims 2-8 depend from amended claim 1 and are patentable for at least that reason.

In summary, Applicant submits that claims 1-8, as amended, are patentable over the combination of Azuma et al., Kawatsu and Hara et al. and respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

#### **New Claims**

Claim 9 was added to further define the invention. Support for new claim 9 can be found at least on pages 5-6 of the specification. Claim 9 depends from amended claim 1 and is allowable for at least that reason.

#### **Conclusion**

After amending the claims as set forth above, claims 1-9 are now pending in this application. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

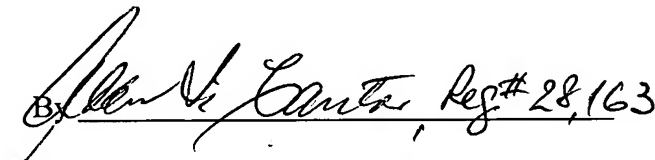
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 30 June 2005

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